

Judges Rule Off-Broadway Play Off-Color

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By JOSEPH MODZELEWSKI

In a split decision yesterday in Manhattan Criminal Court, a three-judge panel ruled that a nude play that recently ended a successful year's run off-Broadway was obscene, with five of its characters guilty of public lewdness.

A stinging 22-page opinion written by Judge Arthur H. Goldberg condemned the play for presenting 23 different sex acts on stage, noting that the nude drama violated "even the hard-core pornography standards of the more permissive obscenity laws of New York."

4 Actors, Technicians Freed

Less harsh in sentencing than in its opinion of the nude play, the panel, which included Judge James Yeargin and Judge Morris Schwalb (the dissenting opinion), freed five of the eight members of the production after they were ruled guilty.

Ed Wode, the play's producer, was sentenced to a \$1,000 fine or 60 days in jail; the author of "Che," Lennox Raphael, received a \$500 fine or 30 days in jail for his obscenity conviction.

Actor Larry Bercowitz, 28, who played the Cuban revolutionary character throughout the play's long and lucrative run, was sentenced to 30 days in jail or a \$500 fine for public lewdness.

President in a Top Hat

Other cast members discharged by the court were: Paul Georgiou, 20, who portrayed a U.S. president while wearing only a top hat, a sash about his waist and toenail polish; Jeanne Arctich, 22, a CIA agent in the production; Mary Anne Shelley, 23, cast as a nymphomaniac nun; and John Kornhauser, 21, who portrayed an ape. Also discharged was Ronald McAdams, 30, a lighting technician.

In finding the off-Broadway show off-color, Judge Goldberg described the material as without redeeming social value and with pervasive sex and elusive politics.

Penetration Not Proved

Concerning the charges of consensual sodomy, he said: "We note finally that the prosecution did produce considerable eyewitness evidence (during the five-week trial) . . . However, we find that the proof of penetration was not sufficient to establish guilt beyond a reasonable doubt as to these sodomy charges."